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# **‘This neo- natal *ménage à trois*’: British media framing of transnational surrogacy**

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## **Abstract**

**Background:** Media framing can influence people's perceptions of social changes in family building, and has the potential to influence their future actions. Objectives: to analyse the type of framing and construction used in British news print of transnational commercial surrogacy. **Methods:** UK newspapers were searched using the search engine Lexis-Nexis. One hundred ninety seven articles were analysed. Content analysis was undertaken to identify the use of gain, loss, neutral, alarm and vulnerability frames, as well as type of construction (i.e. ethical, social, legal, financial and medical). Four researchers independently analysed articles using a coding strategy. **Results:** Differences between serious (mainly legal, financial), middle market (legal) and tabloid (social, financial) newspapers were found. There were three main foci; buying babies - affordable only to those wealthy enough to pay for it; the legal complications of transnational surrogacy - reporting a sense of the legal system lagging behind this practice; and gay families - repeatedly questioning their suitability as parents - demonstrating a prevailing heterosexual stereotype about reproduction and parenting. **Conclusions:** Stereotyping was prevalent and the welfare of children and medical aspects of transnational surrogacy were minimally addressed, indicating the media selectively influences its readership.

## **Keywords**

Surrogacy, Transnational, Commercial, Commissioning, British, Media

## **Introduction**

Transnational commercial surrogacy involves travelling abroad and paying a surrogate in another country to have a baby. It is used by men and women who cannot access surrogacy in their home country because it is illegal, they cannot find an altruistic surrogate to carry a baby for them or it is cheaper abroad. Research and media reports on transnational surrogacy are increasingly common (Fixmer-Oraiz, 2013), and focus on the many complex problems experienced by some or all parties involved in transnational surrogacy world-wide (Crawshaw et al, 2013; Cuthbert & Fronek, 2013; Blyth et al, 2014). A recent study of Swedish parents using Indian surrogates has shown competing discourses represented by the media, and portrays the experience as morally ambiguous even for those choosing to use it (Arvidsson et al, 2015). Ambiguity and conflict may be experienced because biogenetic parenthood is often the norm (van den Akker 2001), and treatment options which use non-biological or non-genetic methods challenge the exclusivity of traditional family building norms and Euro-American models of kinship.

In the UK commercial surrogacy is illegal (The Surrogacy Arrangements Act 1985), whereas some US states, India and Ukraine allow commercial surrogacy (Gamble, 2009). Media reports of a commercial surrogacy case in the 1980s, left a negative perception of surrogacy (Scott, 2009), becoming more positive when popular TV shows ('Friends' and 'Baby Mama') featured surrogacy (Markens, 2012). However, this has recently reverted to more negative portrayals following reports of abhorrent transnational commercial surrogacy practices including sexual abuse (ABC News, 2014) and abandonment (e.g. the 'baby Gammy' case, Mail Online, 2014) of babies

commissioned through transnational commercial surrogacy. Media framing can influence how issues are perceived (Chong and Druckman, 2007), what definitions, attributions, evaluations and recommendations people take away (Tewksbury and Scheufele, 2009), and negatively framed news can contribute to anxiety (McNaughton-Cassill, 2001). The framing effect is based on the prospect theory that predicts different preferences for equivalent outcomes that are framed either positively (as gains) or negatively (as losses) (Tversky and Kahneman, 1981). Previous research has found that the framing effect can be successfully applied to change attitudes and intentions towards reproductive health issues (e.g., O'Connor et al., 2005; van den Akker and Purewal, 2011).

Studies have investigated media framing of social issues such as childhood obesity (Barry et al., 2011), intimate partner violence (Carlyle et al., 2008), abortion (Simon and Jerit, 2007) and in vitro fertilization (IVF) (Sangster and Lawson, 2014). In Sangster and Lawson's (2014) study, approximately half the articles used alarm frames and infertility was predominantly described as a woman's issue. The effects of these framed messages may influence attitudes to the acceptability of IVF. Jaworski (2009) reported that reproduction for women is framed in ways that limit reproductive justice and reinforces stereotypes about women. A study of media reporting on Indian surrogacy also found biases in reporting (Riggs and Due, 2013). In light of this research, it is important to know how the British media frames transnational commercial surrogacy and the present study explores this area.

## **Methods**

The 'Lexis-Nexis' UK newspaper data base was used with 'surrogacy', 'surrogate motherhood', 'international surrogacy' and 'international surrogate motherhood', as search term combinations.

### **Newspaper and article selection**

Newspapers included were representative of national UK circulation and categorised as *Serious newspapers* ('The Times', 'The Sunday Times', 'The Independent', 'The Independent on Sunday', 'The Daily Telegraph', 'The Sunday Telegraph', 'The Guardian', 'The Observer') *Middle market tabloids* ('Daily Mail', 'Mail on Sunday', 'The Express') and *Tabloids* ('The Sun', 'The Sun on Sunday', 'Daily Mirror', 'Sunday Mirror', 'News of the World'). Included article Types were limited to – News Items, Features and Editorials. Excluded were Letters, 'Agony Aunt' Columns, Book reviews, TV Guides and Law Briefs, as the focus was news reports. We included the whole of the UK distribution of newspapers, and excluded regional (Scottish, Welsh, Irish) newspapers or earlier editions (if more than one version was available). Only printed articles focusing on transnational surrogacy were used. Articles focusing on surrogacy without an international element or where the main focus was not on transnational surrogacy were excluded.

### **Data analysis**

Content analysis was used on the newspaper articles as it allows for replicable and valid inferences to be made from text to the context of their use (Neuendorf, 2007; Krippendorff, 2013), and has gained increasing popularity in research on media message framing (Manganello and Blake, 2010). A specifically designed scoring grid was developed (available upon request) to provide an overview of differences

between newspaper type (Serious/ Middle market/Tabloid), countries in which surrogacy was referred to, year of publication and type of commissioning parents. We also rated constructions as medical, social, ethical (empowering / abuse), legal or financial (commodification / commercialisation), where these terms were used in the context of transnational surrogacy. Titles and text were coded as gain framed if they clearly indicated positive associations of transnational surrogacy, such as ‘...said his surrogate mothers were a rare breed. They had to have had easy and successful pregnancies had to be of good emotional and financial background and be of 'good genetic stock.'” (Serious, 1984). Loss frames were identified when negative associations were attributed to the transnational surrogacy arrangement, such as ‘Failure to follow this clause and keeping the baby, would mean being sued by Mr Handel for breach of contract and 'for hi-jacking' his client's child’. (Serious, 1984). In the absence of either negative or positive attributions, framing was categorised as Neutral such as “We think it is a fundamental right to procreate’ (Serious, 1984).

Titles or substantive text were coded for high or low alarm frames (e.g. high alarm: “There is nothing to stop a butcher putting out a sign in the street saying, 'We sell meat and by the way we sell children too’; low alarm: ‘In the four years of his operations, he has given children to 26 couples’), and for high or low vulnerability frames as indicated by the paper’s position on the effects of the surrogate arrangement on any of the parties involved (e.g: high vulnerability: “That people should treat others as a means to their own ends, ...must always be liable to moral objection. Such treatment of one person by another becomes purely exploitative when financial interests are involved’); low vulnerability: ‘I feel no emotional ties to

the baby’). Following a number of trial sessions, the coding grid was agreed to ensure consistency of the content analysis. All articles were rated independently by the authors working in pairs, followed by discussion until full agreement was reached on all articles.

## **Results**

Two sets of data searches were undertaken. The first search (in December 2014) was restricted to Monday-Saturday articles and retrieved 66 relevant articles. Since many of the longer length articles appeared in the Sunday editions, a second search was carried out which included Sunday papers (in January and February 2015) and retrieved a further 167 articles (see Flow Chart 1), eight other articles initially excluded were subsequently included making a total of 241 included articles. During analysis, 44 articles were removed because they failed to meet the inclusion criteria, leaving 197 articles.

INSERT FLOW CHART 1 HERE

Year of publication ranged from 1984 to 2015, with the majority clustering around 1999-2000, 2009-2010 and 2012-2014 (see Table 1). There were no reports between 1988 and 1995. Table 1 also describes the countries the surrogates were from (13 articles referred to ‘international’ surrogacy arrangements rather than to a specific country). The United States was most frequently used (n=138), followed by India (n=39) and Ukraine (n=14). Surrogates in Brazil, Finland, Hungary Italy, Portugal, Russia, and Thailand were also discussed. India became a destination for transnational surrogacy from 2004 onwards and the Ukraine some years later,



although this does not necessarily reflect accuracy of the start of Indian transnational surrogacy by British commissioning parents. Extensive media coverage of a few “celebrity cases” distorted the representativeness of the material examined.

INSERT TABLE 1 HERE

Table 2 describes the commissioning couples / individuals seeking a transnational surrogacy arrangement by year and newspaper type. The Middle market (50%) and Serious (50%) papers discussed gay commissioning couples slightly more frequently than Tabloid papers (48.57%). Gay couples commissioning transnational surrogates were discussed more often (49.74%) than heterosexual couples (32.66%) although they are not the majority of couples using surrogacy. However, references to gay couples reflected intensive media coverage of a small number of high profile cases such as the Drewett-Barlows, Zachs–Adams, Prince Jonathan, Yotam Ottolenghi and Elton John and their partners. Single men or older women, relatives (including grandmothers) or lesbians were least frequently reported, possibly reflecting the relative rarity of their involvement in transnational surrogacy.

INSERT TABLE 2 HERE

Framing was coded separately for the titles and content of each article. Table 3 shows the types and amount of Gain (positive), Loss (negative), Neutral, high Alarm and High Vulnerability framing used in the Titles. The table show the sums for the Serious, Middle Market and Tabloid papers separately. As can be seen from the analysis of the titles, Gain frames (24.59%) were more frequently used than Loss

(20.06%), Neutral (20.71%), high Alarm (18.77%) or high Vulnerability (15.85%). Middle market papers used more Gain frames (31.03%) in the titles, for example, 'Couple win their fight for "stateless" surrogate twins' (Middle market 1999), than Serious (22.22%) or Tabloid (21.56%) papers. Serious papers (22.22%) on the other hand were more likely than Middle market (18.39%) or Tabloid (15.68%) papers to use Loss framed titles, for example, 'Couples must prove custody of surrogate babies says Bangkok: Spate of scandals prompts clampdown on industry. Draft laws set to criminalise commercial surrogacy' (Serious 1996), but Neutral frames were fairly equally used by Serious (19.88%) and Middle market (20.52%) papers, for example, 'A family's story' (Serious 2010); 'We're leaving to live in America says gay father' (Middle Market 2000), and more by Tabloid papers (23.52%) 'Two men and a baby' (Tabloid 1996). The Tabloid press used more high Alarm framed titles (21.56%), for example, 'The Monday debate: Should an agency be allowed to sell babies for £40,000?' (Tabloid 1997) and the Middle market used less high Vulnerability (10.34%) in their titles; 'Nightmare of limbo twins; Scandal of babies born without parents' (Middle market 2000).

INSERT TABLE 3 HERE

Content analysis of the body of the articles was similar to the framing of titles. Table 4 shows Gain framed articles (16.93%) were more frequent than Loss (13.02%) or Neutral (5.21) frames, and these were comparable between newspaper types; for example, Gain – "I think this is a very nice thing for everybody involved. They [the Spanish commissioning parents] get their child and me, the egg donor and the hospital make some money." (Serious, 2012); Loss – 'TEST-TUBE twins born

abroad - to their grandmother - are in the middle of a heartbreak immigration battle over their future.’ (Middle, 2004); Neutral framed content – ‘Barrie said: "We are not trying for one of us to be mum and the other dad. We are both dads." Tony added: "The first few months were really tiring."' (Tabloid, 2000).

INSERT TABLE 4 HERE

High alarm (15.63%) and high Vulnerability (13.68%) were slightly more frequent than low alarm (14.49%) and low Vulnerability (10.26%) across all paper types, with Serious papers reporting high alarm (16.86%) and high Vulnerability (14.79%) more frequently than the other papers. Tabloid newspapers used more low Alarm (18.08%) and low Vulnerability (11.70%) framing, for example, ‘The millionaire Drewitt-Barlows made history in 1999 when they brought home Saffron and her twin brother Aspen, who they'd fathered with a surrogate mum in California. After a legal battle they were allowed to be registered as Parent 1 and Parent 2 on the children's birth certificates. They went on to have another son, Orlando, eight, and twin boys Dallas and Jasper, two.’ (Tabloid, 2012). In contrast, Serious papers used more high Alarm, ‘Handel said he was used to being criticized for encouraging surrogacy in Britain. “The hostility runs the gamut from being called a ‘womb pimp’ - so much for the understated elegance of the Brits - to people looking more closely at what we do.’” (Serious, 1997); and high Vulnerability; ‘interests of surrogate “summarily dismissed”’; ‘Commercialisation and profits have renewed the incidence of abuse.’ (Serious, 1998) than Middle market or Tabloid newspapers.

Figure 1 shows Serious and Middle market papers focused more than the Tabloid press on legal aspects of transnational surrogacy. Social and commodification constructions were more evenly represented across newspaper types proportionally although the Tabloid and Serious press respectively reported these most frequently, and the Middle market less often. Social constructions ranged from judgemental: 'celebrities as freaks' (Middle market, 2000), to balanced articles on 'diversity in parenting' (Tabloid, 1999) and 'inseparable couple in a stable relationship' / 'church opposes it and claims heterosexual relationships are the only correct context.' (Serious, 1996) and '...will transform their lives, allowing them to buy a house for the first time or provide an education for their own children' (Serious, 2013), and positively supportive articles of diverse parenting: 'Dominic d'Angelo, said: "The important thing here is the quality of the relationship between the two men."' (Tabloid,1996).

INSERT FIGURE 1 HERE

Financial constructions of commercial transnational arrangements were often represented negatively. 'There are fears that donors and clients are being exploited. [Caplan] said: 'Some of the web sites are like fertility supermarkets. What is involved is the commercialisation of baby making. It comes close to the buying and selling of babies.' (Middle market, 1997)

Gay couples were often targeted negatively too, as demonstrated by a quote from Adrian Rogers [adviser to the group Family Focus that promotes "traditional" family values]: "'They have no right to be parents. There is more and more evidence that homosexual parenting can have a negative impact on the child.'" (Serious, 1999).

'The "buy-a-baby" arrangement was condemned by the Church of Scotland, which believes that only a heterosexual marriage is the correct context in which to rear children. A spokesman said: "This is an absurdity. They are depriving this little girl of a normal upbringing.'" (Serious, 1996). The stigma of gay parenting experienced by some parents has had substantial effects on some couples: "'There has been so much prejudice and criticism about what we have done but none of that matters now," Mr Drewitt said. "We have a family and that is enough for us...."' (Serious, 2000). Despite a change in the social and legal recognition of homosexuality and gay marriage, gay parenting continued to be questioned. For instance, a Serious newspaper (2011) quotes a senior figure in the Church of England on Elton John's surrogacy arrangement; "all the evidence shows that children are best brought up in the context of a stable marriage where they can relate to a mother and a father, so that they can develop healthy relationships with people of both genders." (Serious, 2011). This contrasts with the treatment of heterosexual celebrity couples such as actress and model Caprice Bourret and her partner, whose capacity to be a good parent was never questioned.

The commodification of babies was also a focus of articles: 'Many issues arise from this neo-natal ménage à trois, not least the rights and welfare of the twins. The commodification of every aspect of life - whatever you want you can have, buy or acquire - doesn't remove fundamental concerns about the morality and dynamics of this brave new world.' (Serious, 2004). Financial constructions were common and condemnation of commercial surrogacy was evident across newspaper types: 'The pair, who spent more than £200,000 in efforts to have the twins, had been devastated by the Home Office action'. (Serious, 2000), and 'They are still in contact

with Los Angeles mother of three Tracie McCune, who was the egg donor for the twins. But they have fallen out with the first surrogate after they sued claiming she tried to alter their £20,000 agreed fee.' (Tabloid, 2002). Legal and Financial constructions were often reported in the same articles. 'Their two male parents are rich, and have already engaged a leading law firm . . . to fight officialdom. Children starting life as a "gleam in the lawyer's eye."' (Serious, 2000); 'Two years ago the Government confirmed a ten-year-old ban on commercial surrogacy. A committee of professors declared that surrogacy was fine if philanthropic, but immoral if "just another job" for the woman concerned. They decided that the clinic could profit but not the woman. In law, she could receive only her expenses. This moral gibberish - mixing a British taboo about profit with what medical ethics calls the "yuk factor" - has sabotaged surrogacy for infertile Britons. Unless couples can find free surrogates from within their family circle, they must pay through the nose by going abroad. As so often when government meddles with the market, it is the poor who suffer.' (Serious, 2000). Finally, the legal constructions prevalent in the Serious and Middle market press often focused on gay legal issues: 'It's incredible that the husband of the surrogate mother who has no link to the children at all is recognised as such. "We are not flying the flag for gay rights, we just want to be recognised as parents of our own children."' (Middle market, 2000). Medical constructions regarding infertility and the medical risks associated with surrogacy were infrequent representing the unusual and dangerous aspects of surrogacy: 'Surrogate carrying two separate pregnancies simultaneously' (Tabloid, 1997) and 'birth complications' (Serious, 2000).

## **Discussion**

The data analysed from a representative sample of the British press illustrate a substantial interest in transnational commercial surrogacy. Messages were gain framed for commissioning couples and loss framed for surrogates and surrogate babies, much like research findings that have reported on vulnerabilities in outcomes and choice between privileged and disadvantaged counterparts in transnational commercial surrogacy (Palattiyil et al, 2010; Rotabi and Bromfield, 2012; Arvidsson et al., 2015) – and highlighting the competing discourses of autonomy/opportunity/choice and inequality/exploitation evident in Markens' (2012) study of media framing and public discourses about transnational surrogacy in the United States.

Neutrally framed articles were less common. Alarm (predominantly from the Serious papers) was expressed over a) the legal incompatibilities between nations brokering transnational surrogacy and b) financial aspects of baby buying, c) the social effects of the surrogacy on the children and d) the ethical aspects of commercially obtaining a child, particularly in gay families. Vulnerability frames were reported slightly more in the Serious press. The Tabloid press used low alarm and low vulnerability framing, emphasizing social and commercial aspects reflecting their predominant non-professional readership. We did not identify any differences between the three types of newspaper as regards their use of framing categories.

Johansson, (2007) studied Tabloid readers and reported that current affairs providing a 'round-up' of 'what's going on', is important and can help clarify complex issues using 'celebrity stories, covering morality, ethics and social privilege' (p 176).

Differences in socioeconomic status (Suzuki et al, 2007), information / knowledge (Minai et al, 2007), and religious beliefs (Murphy et al, 2002; Chliaoutakis et al, 2002) are also known to affect attitudes to surrogacy. Negative attitudes to surrogacy (Poote and van den Akker, 2009) may be due to cultural anxieties induced by the negative media portrayals (McNaughton-Cassill, 2001) rather than the reality of surrogacy arrangements (Teman, 2008). Print media clearly influence attitude formations (McCombs, 2004; Tewksbury and Scheufele, 2009), while Arvidsson et al. (2015) noted that many of the Swedish commissioning parents they interviewed were influenced by media discourses, especially those that highlighted the vulnerability of impoverished surrogates overseas. The tabloid newspapers, which cater for a different audience than the middle market and serious papers, inform their audiences differently (Jaworski, 2009). Our results confirm this, with Tabloids catering to women likely to become surrogates (focusing on social and financial aspects), compared with the Middle market and Serious papers which cater for commissioning couples by virtue of their different socioeconomic status (focusing on the costs and legal issues they could face), reflecting the interests of the target audiences (Williams et al, 2008; [www.nmauk.co.uk](http://www.nmauk.co.uk)).

There were three main foci; gay families, buying babies and legal complications. The 'reproductive vulnerability' frames of socially infertile (gay / lesbian couples and single) people, who do not conform to the stereotypic medically infertile heterosexual couple, is based on Turner's (2001) concept of the individual's approximation to that which is seen as 'emblematically fertile'. According to Riggs and Due (2013), 'To be outside the norm of reproductive heterosex then is to be vulnerable to the diminishment of one's cultural capital as a reproductive citizen'.(2013:957) This



reproductive vulnerability of gay parents was prevalent in our study, as was the emphasis on exploitation of surrogates, commodification of babies and legal problems. UK commissioning couples were often described as victims of the law. Previous research (Margalit, 2015), and our study has reported on the difficulty for commissioning parents of obtaining citizenship for a child born to a foreign surrogate. Few articles focused on the medical and social welfare of surrogates and even fewer focused on the welfare of the children. Social science research has been concerned with third party assisted conception kinship: what it means to belong to one family and be conceived and gestated, and maybe even genetically linked, to another. The media constructions of transnational surrogacy rarely tackled the social kinship question, as was also reported in Swedish media (Arvidsson et al, 2015).

In conclusion, gain (positively) frames were outweighed by alarm and vulnerability frames, as was reported for IVF (Sangster and Lawson, 2014), and the effects of the framing may influence population attitudes to the acceptability of the procedure. Social issues concerning child sexual abuse (Vince, 2014) and abandonment e.g. the 'baby Gammy' case (Michael, 2014) have recently been reported and these extreme cases concern non UK nationals initiating commercial surrogacy arrangements and hence did not meet the inclusion criteria for our study. Nevertheless, those newspaper reports are further examples of the negative coverage of transnational surrogacy.

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